

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Abraham Stone

14 CV 1298
COMPLAINT

Plaintiff,

-against-

Cohen & Slamowitz, LLP

Defendant.

**COMPLAINT FOR VIOLATIONS
OF THE FAIR DEBT COLLECTION PRACTICES ACT**

Plaintiff brings this action for damages arising from the defendant's violation of §1692 *et seq.* of Title 15 of the United States Code, the Fair Debt Collections Practices Act (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

Introduction

1. This action seeks redress for the illegal practices of Defendant, concerning the collection of debt, in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA").

Jurisdiction and Venue

2. This Court has Federal question jurisdiction under 28 U.S.C. § 1331.

3. Venue is proper in this District because the acts and transactions that give rise to this action occurred, in substantial part, in this District. Additionally, plaintiff resides in this District.

4. Plaintiff is a resident of the State of New York who resides in Kings County.
5. Plaintiff is a "Consumer" as that term is defined by § 1692(a)(3) of the FDCPA in that the alleged debt that the defendant sought to collect from plaintiff is a consumer debt.
6. Upon information and belief, defendant is a debt collector located in Woodbury, New York which caused the communication complained of herein to be sent within the county of Kings, State of New York.
7. Defendant is regularly engaged in the collection of debts allegedly owed by consumers.
8. Defendant is a "Debt Collector" as that term is defined by § 1692(a)(6) of the FDCPA.
9. Plaintiff received direct communications from defendant, in March of 2013.

AS AND FOR A FIRST CAUSE OF ACTION

10. Plaintiff re-alleges and incorporates herein by reference, all the foregoing paragraphs as if set forth fully herein.
11. On or about February 27, 2013 the defendant did serve upon Stone a motion for summary judgment in an action pending in the Civil Court of the City of New York in the County of Kings.
12. Defendant was aware at the time that Stone was represented by an attorney in the action.
13. Defendant proceeded to take a default judgment against the Plaintiff Stone despite knowing that the service of the papers was a nullity as a matter of law as valid service could only be made upon the attorney of record pursuant to court rules.

14. Defendant's conduct violates various provisions of the FDCPA including 15 USC 1692c(a)(2), 1692e and 1692f.

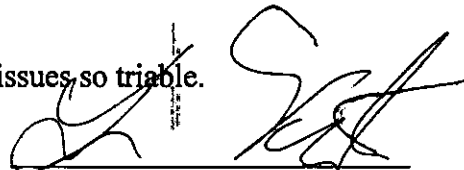
15. As a result of the defendant's conduct the plaintiff has been damaged in the form of emotional distress and upset caused by the defendant's conduct as well as the expenditure of legal fees in defense of the matter in the New York City Civil Court County of Kings.

WHEREFORE, plaintiff respectfully requests that the Court enter judgment as follows:

- a) Awarding plaintiff actual and statutory damages
- b) Awarding plaintiff costs of this action, including reasonable attorneys' fees and expenses; and
- d) Awarding plaintiff such other and further relief as the Court may deem just and proper.

Dated: Cedarhurst, New York
February 26, 2014

Plaintiff requests trial by jury on all issues so triable.



Lawrence Katz
445 Central Avenue Suite 201
Cedarhurst, New York 11516
Telephone (516) 374-2118
Facsimile (516) 706-2404